



THE CITY OF NEW YORK
LAW DEPARTMENT

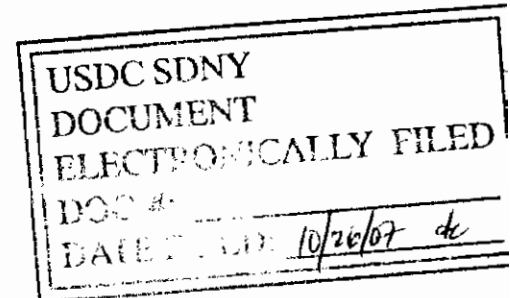
100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
Corporation Counsel

BRIAN G. MAXEY
Assistant Corporation Counsel
Tel.: (212) 788-0987
Fax: (212) 788-9776

October 24, 2007

BY FAX: (212) 805-6191
Honorable Barbara S. Jones
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Matthew Smith v. City of New York et al., 07 CV 7993 (BSJ)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiff's counsel, Arnold J. Levine, Esq., to request a sixty-day enlargement of time until Friday, December 21, 2007, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action.

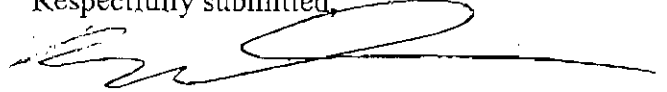
The plaintiff alleges, *inter alia*, that he was subjected to excessive force in violation of his constitutional rights. Plaintiff also alleges state law claims including assault and battery. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. Without the underlying records, the defendant cannot properly assess this case or respond to the complaint. Accordingly, the enlargement of time will afford us the opportunity to investigate the matter and to secure the relevant documents.

The additional time will also permit defendants to identify the unknown correction officer named in the complaint. Once identified, plaintiff will be able to serve that defendant. Once that occurs, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The officers must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until December 21, 2007.

Thank you for your consideration in this regard.

Respectfully submitted,



Brian G. Maxey (BM 0451)

BY FAX

Arnold J. Levine, Esq.
Attorney for Plaintiff
(212) 608-3280

Application GRANTED.

SO ORDERED

Dated:



FOR BARBARA S. JONES
U.S.D.J.

October 25, 2007